IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMONS FOR JUDGMENT NO.686 OF 2005
IN
SUMMARY SUIT NO.3577 OF 2004

Biochem Pharmaceutical Industries
and Anr. ..Plaintiffs.

Vs.

R.S. Thanawala ..Defendant.

....

Mr. Vicky Singh i/b N & M Legal Ventures for the Plaintiffs.
Mr. V.Z. Kankaria i/b S.S. Deshmukh for the Defendant.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

5th June, 2007.

P.C. :

Counsel appearing for the Defendant has placed on the record a receipt issued by the office of the Prothonotary and Senior Master dated 29th April, 2006 recording that an amount of Rs.6,07,768/- has been deposited by the Defendant. Counsel appearing for the Defendant states that in the event that the Plaintiffs are to withdraw the aforesaid amount, this should be subject to their furnishing a bank guarantee of a nationalized bank. Counsel appearing for the Plaintiffs has no objection to furnishing such security

as may be directed. Hence, by consent the following order :

i) The Defendant is granted leave to defend the suit, in view of the fact that an amount of Rs.6,07,768/- has been deposited;

ii) The Defendant would be at liberty to file his written statement within a period of four weeks from today;

iii) The Plaintiffs would be at liberty to withdraw the amount deposited by the Defendant subject to furnishing a bank guarantee of a nationalized bank which shall be kept alive during the pendency of the suit.

The Summons for Judgment is accordingly disposed of.